IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.790 OF 2004
IN
SUMMARY SUIT NO.2398 OF 2004

Reuters India P.Ltd. ..Plaintiffs

Vs.

Cochin Stock Exchange Ltd. ..Defendants

Ms.Vandana Gupte i/b Dholakia Gupte and Co. for the plaintiffs

Mr.Pankaj Kawli i/b Bhandra N.Dalal for the defendants

CORAM : S.U.KAMDAR, J
DATED : 27TH SEPTEMBER, 2005

P.C.:

1. The present suit is filed on the basis of recovery of six months dues by virtue of premature termination of the contract. It is the case of the plaintiffs that the contract was terminated by them by giving six months notice. No such notice is given and therefore suit is filed for the recovery of six months amount. On perusal of the amount of claim, it is clear that there is security deposit of Rs.58,500/- which is lying with the plaintiffs. In that view of the matter, the claim in respect of

the same also does not survive.

2. In so far as six months dues are concerned which are in the nature of liquidated damages and such liquidated damages cannot be claimed by way of summary suit. In view of the fact that liquidated damages can be awarded only after the damages are proved. Summons for Judgment is dismissed. Unconditional leave to defend is granted. Suit is transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.